



**CITY OF HIGHLAND PARK
CITY MANAGER'S OFFICE
OVERVIEW OF
CITY REGULATION OF ELECTIONEERING
AS OF FEBRUARY 14, 2011**

PURPOSE:

The purpose of this fact sheet is to present information regarding electioneering within the City of Highland Park to the producers that utilize the Highland Park Public Access Television Center ("Center") to produce, edit and broadcast local programs on Public Access Channel 19.

BACKGROUND:

The City of Highland Park, as an organization, does not participate in political campaigns or organizations nor does it take positions on electoral matters affecting City residents. The City's independence from the political and electoral process is required by the Illinois Election Code, which prohibits the use of public funds on behalf of or against any candidate for elected office or ballot proposition.

In order to preserve the independence of the City from the political process, the City Council enacted Section 37.003 of the City Code, which prohibits City employees and officials from engaging in electioneering (prohibited political activity). The full list of electioneering activities can be viewed in Section 37.001 of the City Code, which is attached for your review.

Additionally, no City Officer or Employee can utilize City-owned equipment for electioneering purposes. Since the equipment at the Center is owned and operated by the City, the guidelines below must be followed if a producer would like to interview a candidate. For the purposes of this fact sheet, a candidate is an individual who is seeking a seat on any political board and a producer is an individual who utilizes the studio to produce, edit and broadcast their programs on Public Access Channel 19.

- Taping a show at the Center: Producers must inform Public Access Staff that a candidate will be a guest one week in advance of taping. Public Access Staff will review the tape before scheduling it for playback.
- Dropping off a tape for playback: Producers must inform Public Access Staff that a candidate is the guest on the show when dropping off the tape. Public Access Staff will review the tape before scheduling it for playback.
- A community producer cannot conduct a live taping if the guest is a candidate
- The candidate and/or host cannot discuss the candidacy or campaign on the show
- The candidate and/or host cannot solicit contributions on the show
- The candidate and/or host cannot solicit votes on the show

Additionally, City staff has the right to not televise a show if they feel it displays electioneering activities. Shows that have a candidate as a guest cannot be aired on Highland Park Channel 10.

If you have any questions regarding electioneering, please feel free to contact me at (847) 926-1030 / rhelm@cityhpil.com.

CHAPTER 37: GIFT BAN, PROHIBITED POLITICAL ACTIVITIES, AND ETHICS

SECTION

- 37.001 Definitions
- 37.002 Gift Ban
- 37.003 Prohibited Political Activities
- 37.004 Interpretation
- 37.005 Ethics Guidelines

Sec. 37.001 Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

AT WILL: means that either the City or Employee may terminate the employment relationship at any time without the need to give either notice or a reason therefore.

BALLOT OF CANDIDATES: means the list of those who are seeking election to a particular office.

CAMPAIGN FOR ELECTIVE OFFICE: means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a Political Organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, ¹ (ii) relating to collective bargaining, ² or (iii) that are otherwise in furtherance of the person's official duties.

CANDIDATE: means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

CLASSIFIED CITY SERVICE: means all those Positions designated by the Commission as Classified Positions, which Positions shall be full-time.

COMMISSION: means the Civil Service Commission of the City.

COMPENSATED TIME: means, with respect to an Employee, any time worked by or credited to an Employee that counts toward any minimum work time requirement imposed as a condition of his or her employment but, for purposes of this Section, does not include any designated holidays, vacation periods, personal time, Compensatory Time Off, or any period when the Employee is on a Leave of Absence. With respect to Officers or Employees whose hours are not fixed, Compensated Time means any period of time when the Officer or Employee is on the premises under the control of the employer and any other time when the Officer or Employee is executing his or her official duties, regardless of location.

¹ As those terms are defined in Section 2 of the Lobbyist Registration Act, 25 ILCS 170/2.

² As defined in Section 3 of the Illinois Public Labor Relations Act, 5 ILCS 315/3.

COMPENSATORY TIME OFF: means any authorized time off earned by or awarded to an Employee to compensate in whole or in part for time worked in excess of the minimum work time required of that Employee as a condition of her or his employment.

EMPLOYEE: means a person in the employ of the City of Highland Park; whether a Full-time Employee or Temporary Employee, and whether in the Classified City Service or the Non-Classified City Service, and may include an appointed official.

FULL-TIME EMPLOYEE: means any Employee (whether in the Classified City Service or in the Non-Classified City Service) who is employed year-round on a regular 40-hour per week basis (including any member of the Uniformed Fire Service who works an average 51-hour week and any member of the Uniformed Police Service who works an average 42.75-hour week).

GIFT: means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official Position of an Officer or Employee.

INTRA-OFFICE GIFT: means any Gift given to an Officer or Employee of the City from another Officer or Employee of the City.

INTER-OFFICE GIFT: means any Gift given to an Officer or Employee of the City from a member of the Illinois General Assembly; or from the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Controller, the Treasurer or the Auditor General of the State of Illinois; or from a member, Officer, appointee, or Employee of any State Agency as defined in the State Officials and Employees Ethics Act, ³ or of any federal agency, or of any unit of local government or school district.

LEAVE OF ABSENCE: means any period during which an Employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the City.

NON-CLASSIFIED CITY SERVICE: means all those Positions not designated as “Classified City Service,” which Positions may be held by Full-time Employees or Temporary Employees but shall be considered At Will.

OFFICER: means all appointed and elected officials of the City, regardless of whether the official is compensated.

POLITICAL: means any activity in support of or in connection with any Campaign for Elective Office or any Political Organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

³ 5 ILCS 430/1-1 *et seq.*

POLITICAL ORGANIZATON: means a party, committee, association, fund, or other organization, whether or not incorporated, that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code,⁴ but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

POSITION: means a defined office or employ with the City, whether in the Classified City Service or Non-Classified City Service.

PROHIBITED POLITICAL ACTIVITY: means:

- (1) Preparing for, organizing, or participating in any Political meeting, Political rally, Political demonstration, or other Political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any Political fundraiser, Political meeting, or other Political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a Campaign for Elective Office or on behalf of a Political Organization for Political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a Campaign for Elective Office or on behalf of a Political Organization for Political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any Political Organization or Candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a Candidate for elective office or a Political Organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a Candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any Candidate for elective office in that capacity or in connection with a Campaign for Elective Office.
- (10) Preparing or reviewing responses to Candidate questionnaires in connection with a Campaign for Elective Office or on behalf of a Political Organization for Political purposes.

⁴ 10 ILCS 5/9-3.

- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any Candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a Campaign for Elective Office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a Political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: means any person or entity who:

- (1) is seeking official action by the City or by an Officer or Employee of the City;
- (2) does business or seeks to do business with the City or with an Officer or Employee of the City;
- (3) conducts activities regulated by the City or by an Officer or Employee of the City;
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the City or an Officer or Employee of the City; or
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity does not become a Prohibited Source merely because a registered lobbyist is one of its members or serves on its board of directors.

RELATIVE: means those people related to the Officer or Employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the Officer's or Employee's spouse and the Officer's or Employee's fiancé or fiancée.

TEMPORARY EMPLOYEE: means any Employee other than a Full-time Employee.

UNIFORMED FIRE SERVICE: includes any person defined as a "firefighter" under the provisions of Section 4-106 of the Illinois Pension Code, 40 ILCS 5/4-106.

UNIFORMED POLICE SERVICE: includes any person defined as a "police officer" under the provisions of Section 3-106 of the Illinois Pension Code, 40 ILCS 5/3-106.

Sec. 37.002 Gift Ban.

- (A) Gifts Prohibited. Except as otherwise provided in Subsection 37.002(B), no Officer or Employee, spouse of an Officer or Employee, or immediate family member living with an Officer or Employee, shall intentionally solicit or accept any Gift from any Prohibited Source or in violation of any federal or state statute, rule, or regulation. No Prohibited Source shall intentionally offer or make a Gift that violates this subsection.
- (B) Exceptions. The restrictions set forth in Subsection 37.002(A) shall not apply to the following:
- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - (2) Anything for which the Officer or Employee pays the market value or anything not used and promptly disposed of as provided in Subsection 37.002 (C).
 - (3) A contribution, as defined in Article 9 of the Illinois Election Code,⁵ that is lawfully made under that Code or under the State Officials and Employees Ethics Act, or activities associated with a fundraising event in support of a Political Organization or Candidate.
 - (4) Educational materials and missions.
 - (5) Travel expenses for a meeting to discuss City business.
 - (6) A Gift from a Relative of an Officer or Employee.
 - (7) Anything provided by an individual on the basis of a personal friendship unless the Officer or Employee has reason to believe that, under the circumstances, the Gift was provided because of the official Position or employment of the Officer or Employee and not because of the personal friendship. In determining whether a Gift is provided on the basis of personal friendship, the Officer or Employee shall consider the circumstance under which the Gift was offered, such as:
 - (a) the history of the relationship between the individual giving the Gift and the recipient of the Gift, including any previous exchange of Gifts between those individuals;
 - (b) whether to the actual knowledge of the Officer or Employee the individual who gave the Gift personally paid for the Gift or sought a tax deduction or business reimbursement for the Gift; and

⁵ 10 ILCS 5/9-1 *et seq.*

- (c) whether to the actual knowledge of the Officer or Employee the individual who gave the Gift also at the same time gave the same or similar Gifts to other Officers or Employees.
- (8) Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are:
 - (a) Consumed on the premises from which they were purchased or prepared; or
 - (b) Purchased ready to eat and delivered by any means.
 - (9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the Officer or Employee as an office holder or Employee) of the Officer or Employee, or the spouse of the Officer or Employee, if the benefits have not been offered or enhanced because of the official Position or employment of the Officer or Employee and are customarily provided to others in similar circumstances.
 - (10) Intra-Office and Inter-Office Gifts.
 - (11) Bequests, inheritances, and other transfers at death.
 - (12) Any item or items from any one Prohibited Source during any calendar year having a cumulative total value of less than \$100.00.
- (C) Disposition of Gifts. An Officer or Employee that is a recipient of a Gift that is given in violation of this Section 37.002 may, at his or her discretion, return the item to the donor or give the time or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)3 of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Sec. 37.003 Prohibited Political Activities.

- (A) No Officer or Employee shall intentionally perform any Prohibited Political Activity during any Compensated Time. No Officer or employee shall intentionally use any property or resources of the City in connection with any Prohibited Political Activity.
- (B) At no time shall any Officer or Employee intentionally require any other Officer or Employee to perform any Prohibited Political Activity (i) as part of that Employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off.
- (C) No Officer or Employee shall be required at any time to participate in any Prohibited Political Activity in consideration for that Officer or Employee

being awarded any additional compensation or any benefit, whether in the form of a salary adjustment, bonus, Compensatory Time Off, continued employment, or otherwise, nor shall any Officer or Employee be awarded additional compensation or any benefit in consideration for the Officer's or Employee's participation in any Prohibited Political Activity.

- (E) Nothing in this Section shall prohibit activities that are otherwise permissible for an Officer or Employee to engage in as a part of his or her official or employment duties or activities that are undertaken by an Officer or Employee on a voluntary basis as permitted by law.
- (F) No person either (i) in a Position that is subject to recognized merit principles of public employment or (ii) in a Position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an Officer of a Political committee, of a Political party, or of a Political Organization or club. (Ord. 66-06, J. 32, p. 324-325, passed 10/23/06)

Sec. 37.004 Interpretation.

It is the intent of the city that the provisions of this Chapter shall be substantially in accordance with the requirements of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* To the extent that Section 5-15 or Article 10 of the State Officials and Employees Ethics Act may be more restrictive than the requirements of this Chapter, the provisions of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act shall apply and control. This Chapter does not repeal or otherwise modify the City's Employee Handbook ("Existing Regulations"). To the extent that the Existing Regulation are less restrictive than Section 5-15 or Article 10 of the State Officials and Employees Ethics Act and this Chapter, the provisions of Section 5-15 and Article 10 of the State Officials and Employees Ethics Act and this Chapter shall apply and control.

Sec. 37.005 Ethics Guidelines.

The City Council may, by resolution duly adopted, approve ethics guidelines applicable to the conduct of all members of the City Council, and of all members of all City agencies, boards, committees, and commissions. All members of the City Council and all members of all City agencies, boards, committees, and commissions shall comply at all times with the City of Highland Park Ethics Guidelines as may be adopted and as may be amended from time to time. (Ord. 84-07, J. 33, p. 712-714, passed 11/26/07)

(Chapter 37 added by Ord. 26-92, J. 19, p. 145-146, passed 7/27/92; Chapter 37: Code of Ethics deleted by Ord. 13-97, J. 24, p.063, passed 2/25/97; Chapter 37: Gift Ban added by Ord. 61-99, J. 25, p. 207-209, passed 6/28/99; amended in toto by Ord. 34-04, J. 30, p. 130-138, passed 5/24/04)